

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2020-125-E

In the Matter of:

Application of Dominion Energy South Carolina, Incorporated For Adjustments in the Company's Electric Rate Schedules and Tariffs (See Commission Order No. 2020-313)

**APPLICANT'S MOTION IN LIMINE TO
EXCLUDE TESTIMONY OF PERSONS
ASSOCIATED WITH OR SPEAKING ON
BEHALF OF INTERVENERS
PRESENTING EVIDENCE AS PUBLIC
WITNESSES AT NIGHT HEARINGS**

Applicant Dominion Energy South Carolina, Inc. ("DESC"), by and through the undersigned counsel and pursuant to S.C. Code Ann. Regs. 103-829, hereby moves the Hearing Officer in this matter to issue an order in limine excluding testimony of persons associated with or speaking on behalf of Interveners who might seek to present evidence as public witnesses at night hearings in this matter. In support thereof, DESC would respectfully show as follows:

Pursuant to Order No. 2020-661, the Commission established a schedule to host virtual public night hearings on the evenings of November 9th, November 10th, and November 12th. To date, the following parties have intervened in this matter:

1. AARP South Carolina;
2. CMC Steel South Carolina;
3. Frank Knapp, Jr.;
4. South Carolina Office of Regulatory Staff;
5. South Carolina Department of Consumer Affairs;
6. Sierra Club;

7. South Carolina Coastal Conservation League and Southern Alliance for Clean Energy;
8. South Carolina Energy Users Committee;
9. United States Department of Defense and all other Federal Executive Agencies;
and
10. Walmart, Inc.

Pursuant to Order No. 2020-79-H, the Standard Hearing Officer Directive in this matter, parties (including interveners) must submit pre-filed testimony in accordance with the procedural schedule specified and are subject to discovery regarding the evidence that they will present. *See also* S.C. Code Ann. § 58-3-140 (providing that persons “having formal intervenor status” shall reduce their testimony to writing and prefile it with the Commission); S.C. Code Ann. Regs. 103-845 (directing parties of record to prefile prepared testimony). To allow these parties to submit evidence through public witnesses at night hearings would not only violate these authorities, but vitiate the notice and other procedural and due process protections afforded to the Applicant and other parties to the proceeding.

For this reason, DESC respectfully requests that the Hearing Officer issue an order in limine to exclude public night hearing testimony of persons associated with or speaking on behalf of Intervenors in this matter. Given that the public night hearings begin on November 9th, DESC respectfully requests that the Hearing Officer issue a ruling on this Motion prior to the hearing so that all parties are aware of and can conform to the Commission’s expectations at the hearing.

(signature on following page)

Respectfully submitted,

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November 3, 2020
Cayce, South Carolina